

REMARKS

Claims 1, 2, 4, 6, 8, 10, 11, 13, and 14 are pending. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Rejections under 35 U.S.C. §102 and §103

Claim 1 stands rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 6,305,241 by Masui et al. ("Masui"), and Claim 8 stands rejected under 35 U.S.C. §103(a) in view of Masui and Japanese Patent No. 4-133,886 ("JP reference"). Dependent Claims 2, 4 and 6 stand rejected under 35 U.S.C. §103(a) in view of Masui and other references, while dependent Claims 10, 11, 13, and 14 stand rejected under 35 U.S.C. §103(a) in view of Masui and the JP Reference (as well as other references, as appropriate). Insofar as they may be applied against the Claims, these rejections have been overcome.

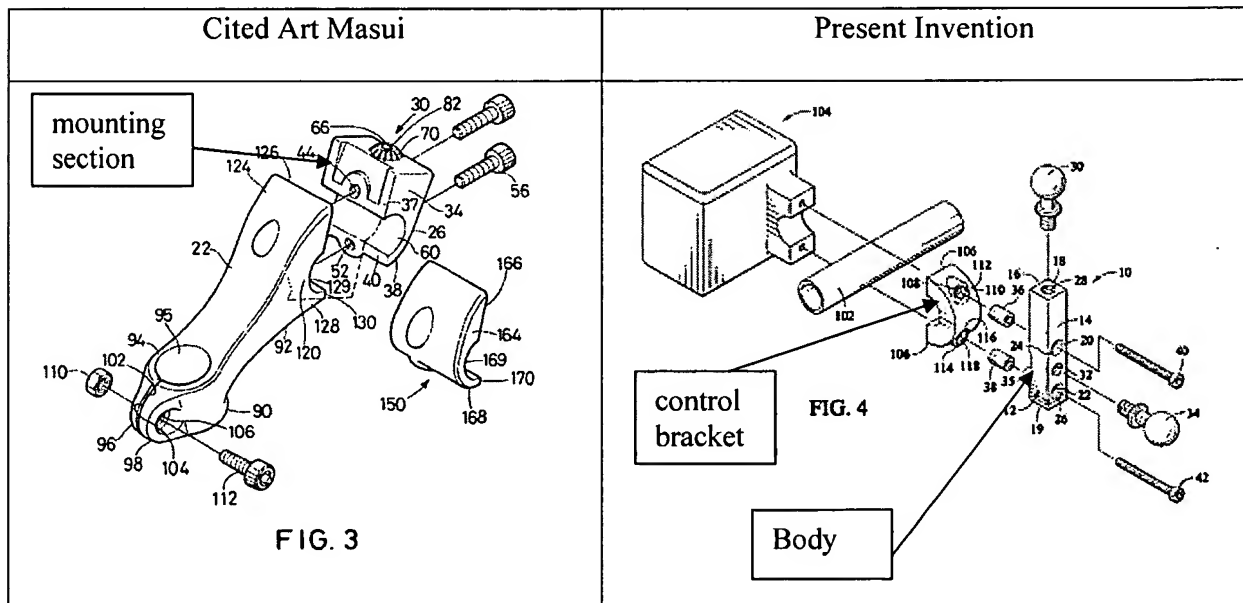
Claim 1 and its Dependent Claims

According to MPEP §2131, in order for a reference to anticipate a claim, the reference must disclose each and every feature of the claimed invention. Applicant has amended Claim 1 to improve the understanding of the element. The amendment does not otherwise limit the Claim or change its scope. Applicant respectfully asserts that as amended, Claim 1 is not anticipated by Masui. Applicant respectfully asserts further that Examiner's understanding and comparison of the elements of Masui to the present invention are incorrect. As such, it will be seen that Masui does not, in fact, disclose each and every feature recited in Claim 1. For example, Examiner states:

Masui et al., discloses the body (34); the pair of substantially parallel mounting holes ...; and, wherein the body (34) is attachable to the control bracket (22) by location of fasteners (48 & 56) through the

mounting holes (44 & 52) and control bracket portals (126 & 130) in threaded connection with the control body (22) (See Column 4, lines 52 - 59) (See Figure 3).

However, element 34 of Masui is not “a body adapted for attachment to the control bracket;” as disclosed in Claim 1 of the present Application, but instead a “first mounting section 34” which attaches directly to the handlebar and is bolted to a handlebar stem (not a control body). In this regard, the mounting section (34) Examiner refers to as the “body” is not a body. It is somewhat analogous to the control bracket (106) to which the “body” portion (#12) of the present invention attaches to the outside of. This is clearly seen by comparing Fig. 3 of Masui with Fig. 4 of the present invention as provided below. This distinction goes directly to the novelty of the present invention, which is adapted for coincident use with existing control brackets.



It is further noted that the “bicycle display 14” bears no physical or functional resemblance whatsoever to the intervening “body 14” of the present invention. As described,

Claim 1 is clearly not anticipated by Masui. Moreover, Masui does not teach or suggest the invention of the present Application, and thus the Claim is novel in view of Masui as well. Accordingly, Applicant requests that the rejection of Claim 1 under 35 U.S.C. §102(b) be withdrawn and that Claim 1 be allowed.

Claims 2 through 6 depend on and further limit Claim 1. It is noted that in properly understanding Masui (regarding Claim 3), Masui does not disclose a rectangular body. Examiner's rejections of the other Claims of this Application are similarly founded upon the misinterpretation of the "body" portion in Masui and, therefore, upon the same argument provided above, respectfully traversed.

Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claims 2 through 6 also be withdrawn for the reasons stated above and because they depend from an allowable claim.

Claims 7, 8, 15, and 19

Examiner's rejections of these Claims of the Application are similarly founded upon the misinterpretation of the "body" portion in Masui and, therefore, upon the same argument provided above, respectfully traversed. A rejection under 35 U.S.C. §103(a) based on the same misunderstanding cannot be more appropriate.

According to *Graham v. John Deere Co.*,¹ there are four factors associated with the determination of obviousness under 35 U.S.C. §103(a), which are as follows: (1) the scope and contents of the prior art; (2) the differences between the prior art and the claimed invention; (3) the level of ordinary skill in the art; and (4) evidence of secondary considerations.

1. *Scope and Content of the Prior Art and Differences Between the Prior Art and the Claimed Invention*

Applicant incorporates his remarks above in this response. As described in part, and in detail above, none of the references cited, including Masui, disclose the use of an intervening “*body adapted for attachment to the control bracket*” and “*for common fastener connection to a control body (104).*” For example, the JP reference simply discloses the use of spacers or standoffs, and Masui is an assembly for connecting a display (14) to handlebar (18). As can be seen in FIG. 4 of Masui (reproduced below), a pair of control brackets (150 and 26) are used to connect the display 24 to the handlebar.

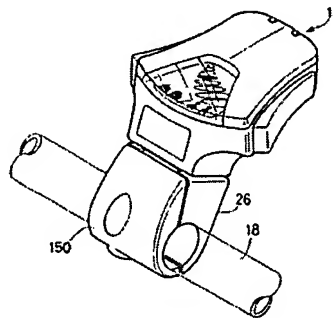


FIG. 4

As shown, the display (14) is mounted *directly* to one control bracket (26), indicating that for each auxiliary assembly used a separate pair control brackets (150 and 26) would be needed.

In sharp contrast to the claimed invention of Claims 7, 8, 15, and 19, an intervening “body” is employed. As depicted in FIG. 4 of the Application, as originally filed, this intervening “body” is shown as element 10:

¹ *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966).

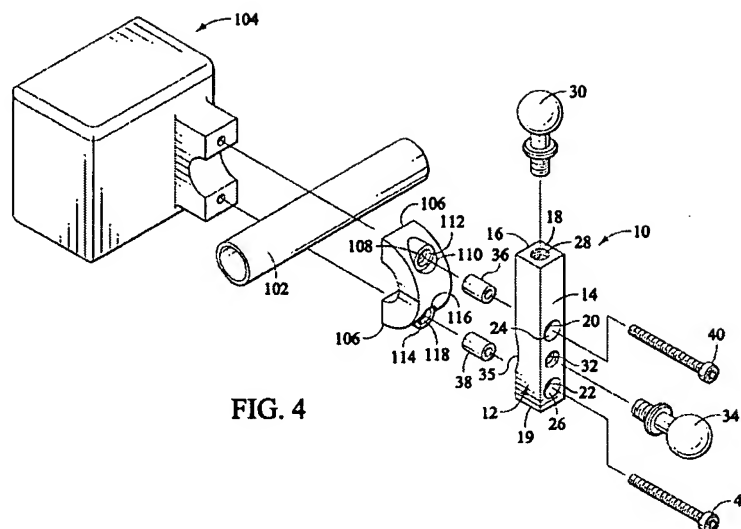


FIG. 4

Specifically, this “body” is designed to be secured to a control body (104), via control bracket (106), to the handlebar (102). Common fasteners (40 and 42) are used for this connection. Thus, the “body” of the present invention is adapted for coincident use with a pre-existing vehicle specific control bracket (106) and connection to control body (104), exactly as claimed. The claimed invention allows for increased utility of a bracket (106). By increasing this functionality of the bracket (106), more, useful components can be secured to the handlebar (which has very limited space) without the need for additional brackets.

2. Level of Ordinary Skill in the Art

Applicant contends that one of ordinary skill in the art would be a person possessing a Bachelor’s Degree in Mechanical Engineering with one or more years of experience in mechanical design.

3. Secondary Considerations

Applicant does not consider reliance on secondary consideration necessary at this time. However, due to extended prosecution of this Application and exhaustive and continuous searching performed, Applicant offers the secondary consideration previously presented in this case and requests confirmation of Examiner's consideration of same.

4. Conclusion

In view of the foregoing, it is apparent that the cited references do not disclose the unique combination recited in Claims 7, 8, 15, and 19. Accordingly, Applicant respectfully requests that the rejection of these Claims as amended under 35 U.S.C. § 103(a) in view of Masui and the remaining cited references be withdrawn and the Claims allowed.

Claims 9-14 and 16-18 depend from Claim 8. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claims 9-14 and 16-18 also be withdrawn.

Conclusion

Applicant has now made another earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims.

Applicant includes the fee required for three (3) months of extension of time in which to respond to the Office Action. Applicant does not believe that any other fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account 50-2180 of Storm LLP.

ATTORNEY DOCKET NO.
PGI 02910 PTUS

PATENT APPLICATION
SERIAL NO. 10/727,697

Should the Examiner require any further clarification to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

Dated: June 12, 2008
Storm LLP
901 Main Street
Suite 7100
Dallas, Texas 75202
Telephone: (214) 347-4710
Fax: (214) 347-4799

/John G. Fischer/
John G. Fischer
Reg. No. 41,748